

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

ELENA AVILA,

Plaintiff,

v.

ARBOR LODGING PARTNERS, LLC, an  
Illinois limited liability company, and Does 1  
through 20 inclusive,

Defendant.

Case No. 1: 22-cv-01099-SKO

**ORDER GRANTING PLAINTIFF'S  
MOTION TO MODIFY SCHEDULE  
(Doc. 17)**

Pending before the Court is Plaintiff Elena Avila's motion to modify the Scheduling Order, which seeks to enlarge the time permitted to conduct non-expert discovery. (Doc. 17.) Defendant does not oppose Plaintiff's request.<sup>1</sup> (*See* Doc. 18 at 2.) For good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), and in view of Defendant's non-opposition, the Court shall grant the motion.

The parties are hereby ORDERED to meet and confer to agree upon a date by which non-expert discovery will be completed. The parties' stipulated proposed SHALL be filed by no later

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<sup>1</sup> In response to Plaintiff's motion, Defendant requests "that the Court's modifications should include . . . the deadline to file a motion to amend the pleadings, and any other necessary dates the Court deems proper to allow the parties to litigate this case on the merits." (Doc. 18 at 2). However, Defendant has not filed a noticed motion for such relief, and therefore its request is not before the Court. (*See, e.g.*, Fed. R. Civ. P. 7 ("A request for a court order must be made by motion."); *see also* Local Rule 230 (requiring all motions be properly noticed)).

As previously advised (*see* Doc. 16), to the extent Defendant wishes to modify the Scheduling Order and amend its pleading, it shall file a noticed motion seeking such relief under Fed. R. Civ. P. 16(b) and Fed. R. Civ. P. 15(a), and do so as soon as is practicable.

1 than Friday, December 22, 2023.<sup>2</sup>

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3 IT IS SO ORDERED.

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5 Dated: **December 6, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Should the continuance of the non-expert discovery deadline require modification of other future case deadlines, the Court will further modify the case schedule in the order granting the parties' stipulation.